

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of July 24<sup>th</sup>, 2014 – 6:30 p.m.**

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Members present: Fertig, Gardner, Gascon, Mahoney  
Staff present: Cargill, Guntert

**ITEM NO. 1      COMMUNICATIONS**

There were no communications to come before the Board.

No board members disclosed any ex parte contacts and/or abstentions from the discussion on any agenda item under consideration.

Gardner asked what types of communications should be disclosed.

Mahoney said it depends on the communication, but if it's with an applicant it should be disclosed.

There were no agenda items deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the June 5, 2014 meeting of the Board.

**ACTION TAKEN**

Motioned by Gardner, seconded by Fertig, to approve the minutes from the June 5, 2014 meeting of the Board.

Motion carried 3-0-1 with Gascon abstaining.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      FRONT YARD BUILDING SETBACK VARIANCE FOR 410 ELM STREET  
[DRG]**

**B-14-00219:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2013 edition. The request is for a variance from the minimum 20 feet front yard building setback required by Section 20-601(a) of the City Code to a minimum of 14 feet. The applicant seeks approval of the variance in order to be able to build a screened front porch on their home. The property is located at 410 Elm Street. Submitted by Terry A. and N. Iris Wilkinson, property owners of record. **The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

**STAFF PRESENTATION**

Guntert presented the item.

*No public comment*

**BOARD DISCUSSION**

Mahoney feels the item is pretty cut and dry, particularly since the houses next door are closer to the street, he thinks it will be an improvement.

Fertig agreed. She said she is familiar with that block of Elm St and most of those homes pre-date the zoning code and are not compliant with the 20 ft front setback. She feels the request is very reasonable.

Mahoney agreed.

**ACTION TAKEN**

Motioned by Gardner, seconded by Fertig, to approve the variance based on findings in the staff report.

Unanimously approved 4-0.

**ITEM NO. 4      REAR YARD BUILDING SETBACK VARIANCE FOR 1705 ST. ANDREWS DRIVE [DRG]**

**B-14-00236:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2013 edition. The request is for a variance from the minimum 30 feet rear yard building setback required by Section 20-601(a) of the City Code to a minimum of 26 feet. The applicant seeks approval of the variance in order to be able to cover and screen an existing elevated deck located on the northwest corner of the home. The property is located at 1705 St. Andrews Drive. Submitted by Tamara L. and Charles F. McElhinney, property owner of record. **The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

**STAFF PRESENTATION**

Guntert presented the item.

Gardner asked if the screened porch is on the top of the deck

Guntert said yes, there would be a roof structure built over the deck and then that would be screened on the sides.

Fertig asked if the reason for the request is because there is about 12 square ft of existing deck that is not in compliance with the current setback code.

Guntert said that is correct.

**APPLICANT PRESENTATION**

Mr. Fred Schneider appeared on behalf of the property owner. He said the reason for the request is to be in compliance if the property owner chooses to sell.

***No public comment***

**BOARD DISCUSSION**

Fertig said she feels the request is pretty cut and dry. Only a small area of the structure would be in the setback. The lot backed up to a golf course and no neighbors have objected to the project proposal.

Mahoney agreed and feels it's a great improvement to the property. He said he appreciates their initiative to bring their project into compliance.

Fertig said she agreed. She pointed out that they are considering a very small portion of an existing deck which won't affect anyone by enclosing it. She said it looks to be a positive addition to the property.

**ACTION TAKEN**

Motioned by Fertig, seconded by Gascon, to approve the variance based on findings in the staff report.

Unanimously approved 4-0.

**ITEM NO. 5 MISCELLANEOUS**

a) No other business to come before the Board.

ADJOURN 6:46